

United States Bankruptcy Court
Western District of Michigan
One Division Ave., NW
Room 200
Grand Rapids, MI 49503

IN RE: Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

Beverly A Langston
215 W. High Street
Bangor, MI 49013
SSN: xxx-xx-1562

Debtor(s)

Case Number 05-14667-jrh

Chapter 7

Honorable Jeffrey R. Hughes

NOTICE OF HEARING
TRUSTEE'S MOTION FOR AUTHORITY TO SELL REAL PROPERTY OF THE
ESTATE

The above motion has been filed with the Bankruptcy Court. Your rights may be affected. **You should read these papers carefully and discuss them with your attorney. (If you do not have an attorney, you may wish to consult one.)**

If you want the court to consider your views on this matter, attend the hearing scheduled to be held before the Hon. Jeffrey R. Hughes on June 15, 2006 at 12:30 pm at Room 114, US Courthouse and Federal Bldg., 410 W. Michigan Ave. Kalamazoo, MI

You or your attorney may wish to file a response explaining your position. Such response should be received at least three business days prior to the scheduled hearing. A copy should also be served upon the party who has filed the motion to his/her attorney. **Please refer to Administrative Order 2004-06 (Mandatory Electronic Filing), effective January 1, 2005, for practices and procedures for filing pleadings with the Court.**

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

PLEASE NOTE: NOTICE IS HEREBY GIVEN that the court may, in its discretion, orally continue or adjourn the above hearing on the record in open court. If this occurs, parties in interest will not be given further written notice of the continued or adjourned hearing. If an entity is not present at the originally scheduled hearing, information regarding the time, date and place of an orally continued or adjourned hearing may be obtained at the Clerk's office from the court files or docket.

This Notice has been returned to Stephen L. Langeland. It is Stephen L. Langeland (s/'s) responsibility to ensure that service of this Notice and the referenced Motion is made upon the appropriate parties not less than twenty (20) days prior to the date of hearing. (sc)



DANIEL M. LAVILLE
CLERK OF BANKRUPTCY COURT

Dated: May 24, 2006

/S/ _____
Shelli Combs
Deputy Clerk

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

IN RE:

BEVERLY A. LANGSTON,
Debtor(s).

Case No.: 05-14667

Chapter 7

Hon. Jeffrey R. Hughes

Date Filed: 10/01/05

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MOTION FOR AUTHORITY TO SELL REAL PROPERTY OF THE ESTATE

NOW COMES Stephen L. Langeland, Trustee, moves for a sale of real property of the estate pursuant to 11 U.S.C. §363 as follows:

1. He is the duly appointed and acting Chapter 7 Trustee in this case filed under Chapter 7 on October 1, 2005.

2. Included in the property of this estate is a parcel of real property located at 215 West High Street, Bangor, Michigan 49013.

3. The Trustee has received an offer to purchase the real estate from Angel Guzman and Ricardo Barajas of 20594 M-140, South Haven, MI 49090 for the sum of FIFTY THOUSAND AND NO/100 (\$50,000.00) cash.

4. That it is in the best interest of this estate and its creditors that the said real property be offered for sale at public auction in open court at the earliest possible date, subject to the following terms and conditions:

A) PROPERTY: The real property is located at 215 West High Street, Bangor, Michigan 49013 and are legally described as follows:

Lot 3, Block 15, Village (now City) of Bangor, according to the plat thereof, as recorded in Liber V of Deeds on Page 591, Van Buren County Records.

Located in the City of Bangor, Van Buren County, Michigan.

B) BIDDING: Bidding will commence with the bid of Angel Guzman and Ricardo Barajas of 20594 M-140, South Haven, MI 49090 in the amount of \$50,000.00 with subsequent bids in increments of not less than \$1,000.00.

Sale shall be on a cash basis, with the successful bidder, other than Angel Guzman and Ricardo Barajas being required to make a non-refundable deposit with the Trustee in the sum of \$2,500.00 in cash or certified funds at the conclusion of the

bidding in open court. No contingent bids shall be received. Closing shall take place as soon as possible at a date mutually agreed upon by the Trustee and the Purchaser, and the total balance of the bid price shall be paid at closing. In order to expedite closing as soon as possible, the stay provisions of Fed.R.Bankr.P.6004(g) shall be set aside as null and void.

Any prospective bidder must submit evidence of financeability in the form of bank letter of credit or letter confirming loan approval to the Trustee no later than three (3) days prior to the sale date in order to qualify to bid at the sale.

C) TERMS: The real property will be sold on an “as is,” “where is” basis, without representation or warranty, express or implied, of any kind, nature or description including, but not limited to, any warranty about description or marketability, merchantability, or usability or a fitness for any purposes.

The Trustee shall not be required to inspect or test or report on the condition of the real property or the operability of the real property or the existence of any possible defects in the real property.

All real estate taxes which are a lien against the described real property shall be paid out of the sale proceeds as an expense of sale. Any tax which becomes a lien on said real property after the date of sale shall be paid by the purchaser, and the 2006 real estate taxes shall be prorated to the date of closing. The purchaser will receive title insurance. The sale shall be consummated by the delivery to the purchaser of a Trustee’s Deed without warranty of title.

The described real property shall be sold free and clear of all liens, encumbrances, and/or claims therein, with said liens, encumbrances, and/or claims attaching to the sale proceeds, in the same order of validity, rank, and priority as now exists in the said real property. Any and all liens, claims, and encumbrances shall be discharged when a copy of a subsequent Order Confirming Sale entered by this Court is recorded along with the Trustee’s Deed in the Register of Deeds Office.

The expenses of custody, protection, insurance of the real property, as well as expenses of the sale, including administrative and all legal expenses of these proceedings relating to the protection and sale of said real property shall be charged against the sale proceeds with priority over all claims.

D) REALTORS COMMISSION: The offer which the Trustee has received is subject to a commission of seven percent (7%) to be paid to RE/MAX Advantage, Realtor conditioned on the consummation of the sale. The realtor retained by the Trustee is Roxanne Cantu.

E) INSPECTION: Arrangements for inspection of the real property to be sold can be made by contacting Roxanne Cantu, RE/MAX Advantage, Realtor, 7127 South Westnedge Avenue, Portage, Michigan 49002, telephone 269/329-1053.

5. Any person objecting to the validity, proprietary or legality and/or having any objection of any kind to the sale as described herein, shall file a written objection to the sale on or before five (5) business days before the date set for the hearing on this Motion and simultaneously serve copies on the attorney for the Trustee and the Trustee at the address listed in this Motion and, in accordance with Federal Rule of Bankruptcy Procedure 6004(b).

6. The Trustee reserves the right to withdraw this Motion at any time prior to completion of the hearing thereon.

7. The debtor shall vacate the premises upon closing. If the debtor fails to vacate the premises so the purchasers can take possession upon closing, she shall pay the purchasers at the rate of \$50.00 per day. Said payment shall not be construed as rent, but as liquidated damages. Purchasers may proceed with other legal remedies as well.

8. The Trustee requests that the Notice of Hearing and a copy of the Motion be served by ordinary mail upon the following persons:

Stephen L. Langeland, 350 East Michigan Avenue, Suite 130, Kalamazoo, Michigan 49007;
Office of the U.S. Trustee, 330 Ionia NW, Suite 220, Grand Rapids, Michigan, 49503;
Roxanne Cantu, RE/MAX Advantage, Realtor, 7127 S. Westnedge Avenue, Portage, MI 49002;
Angel Guzman and Ricardo Barajas, 20594 M-140, South Haven, MI 49090;
Beverly A. Langston, 215 West High Street, Bangor, Michigan 49013; and
Robert U. McDowell, Esq., 815 Main Street, St. Joseph, MI 49085.

WHEREFORE, the Trustee requests that this Court enter an Order Confirming Sale of the within real property as set forth above, to Angel Guzman and Ricardo Barajas of 20594 M-140, South Haven, MI 49090 for the sum of \$50,000.00 or to such other purchaser for such additional sums as may be bid at the hearing in open Court, that Stephen L. Langeland, Trustee be authorized to take such steps, make such payments, and execute such documents as reasonably necessary to implement and effectuate said sale, and that the Court grant such further relief as may be just and equitable under the circumstances.

Dated: 05/18/06

/s/
Stephen L. Langeland, Trustee
350 East Michigan Avenue, Suite 130
Kalamazoo, MI 49007
269/382-3703